

ORDINANCE NO. 1181

AN ORDINANCE REPEALING CHAPTER 3 OF THE LODI CITY CODE AND ENACTING A NEW CHAPTER 3 **AS** IT RELATES TO ANIMALS AND FOWL WITHIN THE CITY OF LODI.

Be It Ordained by the Lodi City Council.

Section 1. Chapter 3 of the Lodi City Code is hereby repealed.

Section 2. A new Chapter 3 of the Lodi City Code is hereby enacted and shall read as follows:

CHAPTER 3.

ANIMALS AND FOWL.

Sec. 3-1. Public pound to be maintained.

A public pound shall be maintained ~~at~~ such place as is provided therefor from time to time by ~~the~~ City Council.

Sec. 3-2. Powers and Duties of Animal Control Officer generally.

The Animal Control Officer shall have the powers of enforcement of the provisions of ~~this~~ chapter and such state laws and local ordinances as relate to the care and treatment of animals and for the prevention of

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cruelty thereto. For the purpose of discharging the duties imposed upon him he is hereby authorized and directed, when it is lawful to do so, to enter upon any premises for the inspection or examination thereof or for the performance of any other of his official duties thereon; to take up and impound any animal or fowl which may hereafter be in the city contrary to any provision hereof: to destroy any animal lawfully impounded, which is by reason of age, disease or other cause, unfit for further use, or is dangerous to keep impounded.

Sec. 3-3. Livestock within city limits.

Except where permitted in Chapter 27 of this Code, it shall be unlawful to harbor, keep or have within the City of Lodi, any livestock, including but not limited to hogs, shoats, goats, animals, sheep, horses or cattle.

Sec. 3-4. Number of Dogs/Cats Permitted within the City of Lodi.

It shall be unlawful to harbor within a single household within the City of Lodi more than three dogs or cats or any combination of the same, over the age of four (4) months old, except in a licensed business, where permitted in a particular district as provided by the Zoning Code of the City of Lodi.

Sec. 3-5. Dogs and cats over certain age - permit required to keep.

It is hereby declared to be unlawful for any person to keep or harbor any dog or cat of any age past the age of four (4) months within the corporate limits of the City of Lodi, unless the person owning or

having control of the dog or cat shall have secured a "Permit to Keep a Dog or Cat" obtained by causing the dog or cat ~~to~~ be registered pursuant to this Chapter.

For the purposes of this Chapter, a dog or cat shall ~~not~~ be deemed registered nor shall a "Permit to Keep a Dog or Cat" be deemed valid until all fees are paid and said permit is delivered to owner or person having control of such dog or cat.

Sec. 3-6. Dogs and cats over certain age must be registered.

The person owning or having control of a dog or cat ~~as~~ described in Sec. 3-5 shall furnish to the Director of Finance a description of the dog or cat sufficient for identification, which description shall be entered in a record kept by the Director ~~of~~ Finance for that purpose.

Sec. 3-7. Dog and cat Registration Fee.

The owner or person having control of a dog or cat ~~as~~ described in Sec. 3-5 shall at the time of securing a "Permit to Keep a Dog or Cat" pay to the Director of Finance a registration fee as ~~may~~ be fixed and set by resolution of the City Council. The Director of Finance shall then issue to the owner or person having control. ~~of~~ such dog or cat a "Permit to Keep a Dog or Cat" and an identification tag having a number corresponding with the registration number of said dog or cat. The holder of a "Permit to Keep a Dog or Cat" ~~shall~~ preserve the same and shall, upon demand of the Animal Control Officer or his assistants or police officer, show such permit.

The "Permit to Keep a Dog or Cat" shall not be transferable from one dog to another nor on change of ownership.

Sec. 3-8. Annual Registration Fee - Due Date - Penalties for Delinquent Payment.

Such annual registration shall be made and the fee therefor paid, on or before the first day of February. Failure to register and pay the required fee within the time prescribed will cause such fee to become delinquent, and a penalty in an amount fixed and set by resolution of the City Council shall be added to the regular annual fee and collected by the Director of Finance at the time of such delinquent registration. Any delinquency shall constitute a violation of the provisions hereof.

Sec. 3-9. "Seeing Eye" Dogs - Permit.

"Seeing Eye" or Guide Dogs are those dogs which have been especially trained to lead and aid the blind. Any blind person having custody of such a "Seeing Eye" or Guide Dog may keep and harbor the dog within the City of Lodi by obtaining a "Permit to Keep a Dog" from the Director of Finance of the City of Lodi, and may lawfully take the dog into any food establishment of the City of Lodi unless forbidden by the management thereof. There will be no fee charged for guide dogs upon proof of anti-rabies vaccination.

Sec. 3- 10. Registered dogs and cats must wear collar identification tag attached.

Every registered dog and cat shall be provided by the owner or possessor thereof with a suitable collar or other device ~~to~~ which shall be attached the identification tag issued by the Director of Finance. Every dog and cat not registered and not provided with such collar or other device and identification tag found upon any of the streets, alleys, lanes, courts or other public places in the City of Lodi, or upon any private property, whether leashed or unleashed, or whether or not it is in any manner under the control of any person, found in any street or other place as above specified shall be taken into custody by the Animal Control Officer, or his assistants and lodged in the public pound. It shall be unlawful for any ~~person~~ to use any identification tag for any other dog or cat other than that ~~for~~ which it was specifically issued.

Sec. 3- 11. Replacement of lost identification tags.

Lost identification tags may be replaced by surrendering ~~to~~ the Director of Finance the "Permit to Keep a Dog or Cat" issued at the time said lost identification tag was procured, and by paying the Director of Finance a fee as may be fixed, and set by resolution of the City Council. After complying with the above provisions, the Director of Finance will again register the dog or cat, issue a new "Permit ~~to~~ Keep a Dog or Cat", and new identification ~~tag~~. The Director of Finance shall attach the surrendered "Permit ~~to~~ Keep a Dog or Cat" to his copy of the new "Permit to Keep a Dog or Cat",

to substantiate the fee collected and verify the transaction.

Sec. 3- 12. Dogs over certain age must be vaccinated.

The person owning or having control of a dog over the age of four (4) month, shall, at such intervals of time as may be prescribed by the State Department of Public Health, procure its vaccination by a licensed veterinarian with a canine anti-rabies vaccine approved by and in a manner prescribed by said State Department of Health.

Sec. 3- 13. Vaccination-Prerequisite to Obtaining Permit.

No "Permit to Keep a Dog" shall be issued for any dog which has attained the age of four (4) months, or over, unless a valid official certificate of vaccination with canine anti-rabies vaccine is presented with the specified registration fee. Such certificate of vaccination, signed by a licensed veterinarian, shall indicate the date of vaccination and the type of vaccine used. The certificate shall be accepted as valid if the period of time between the date of vaccination and the date of expiration of the license does not exceed thirty (30) months.

Sec. 3- 14. Exceptions.

The provisions of Sections 3-12 and 3-13 of this Code shall not apply when the person owning or having control of the dog shall present to the Director of Finance a certificate from a licensed veterinarian certifying that the dog cannot be vaccinated as required by this Code without causing physical injury or the death of said dog.

See. 3-15. Business'license fee for raising dogs and cats.

Any person who is engaged in the business of breeding or raising dogs or cats shall pay a business license fee of ten dollars per quarter year, payable as other business licenses are payable. He shall be exempt from the requirement of paying license fees for each dog or cat kept in his establishment. No such dog or cat may be permitted to be in the city contrary to the provisions of this chapter.

Sec. 3-16. Dogs or cats which injure persons or damage property.

Every dog or cat which has injured any person, other than a trespasser or the person owning or having the possession thereof, and every dog or cat which has damaged the property of any person other than the person owning or having the possession of such dog or cat, shall be taken by the Animal Control Officer and impounded in the public animal shelter. Before any dog or cat may be picked up and impounded by the Animal Control Officer for a violation of this section which has been committed outside of the presence of the Animal Control Officer or of a regular member of the city police department, the person complaining against such violation shall be required to file a written complaint, setting forth the details with respect to the injury or damage asserted to have been committed and identifying the dog or cat which has committed the same. In the event that the facts and circumstances of any case warrant, in the opinion

of the chief of police, an arrest of the person owning or having possession of the dog or cat. then the person complaining may also be required to sign a complaint to cause the arrest.

Sec. 3-17. Procedure when rabies exists in city or surrounding areas.

Whenever any cases of rabies exist in the city or in the vicinity of the city, the chief of police is hereby authorized to publish an order requiring every person owning or having possession of any dog or cat to keep it confined upon private premises or else keep it effectively muzzled to prevent biting. When the period of danger from rabies has terminated, in the opinion of the chief of police, he shall publish a notice terminating the order. During the period between the published notice and the termination of such order it shall be unlawful for any person owning or having possession of any dog or cat to allow it to be so — confined or unmuzzled and every unmuzzled dog or cat not so confined during such period shall be taken by the Animal Control Officer and impounded in the public pound. The notices herein referred to shall be published by posting in at least three public places in the city and by one or more publications in a newspaper published and circulated within the city.

Sec. 3-18. Procedure when dog or cat bites person.

In the event that any dog or cat is impounded upon complaint of any person asserting that such dog or cat has bitten some person, the

Animal Control Officer shall impound and keep such dog or cat safely segregated during a period of at least ten days for observation for rabies, and following such period of observation, if it be found that the dog or cat does not have rabies and if it is licensed and otherwise eligible to be returned, it shall be returned to the owner upon payment of impound fees and feeding charges. If the dog or cat is found to have rabies, it shall be forthwith destroyed by the Animal Control Officer. In the event of any statute taking precedence over the provisions of this chapter with respect to the impounding or regulating of dogs or cats suspected of having rabies or otherwise regulating dogs or animals then to the extent that such statutes conflict with the provisions of this chapter, such provisions hereof, respectively, shall be deemed suspended during such period of conflict.

Sec. 3-19. Animal Control Officer's duties in re Impound Animals.

It shall be the duty of the Animal Control Officer to take up and impound, as hereinafter provided, any domestic animal or fowl that may be found running at large in or upon any street, alley or public place within the corporate limits of the City of Lodi or upon the private premises of any person, firm or corporation other than the person, firm or corporation owning or having the custody or control of said animal or fowl.

Sec. 3-20. Redemption of impounded animals or fowl.

The owner or person having custody and control of any domestic animal or fowl may redeem and take away said animal or fowl upon payment of the redemption fee and charges as may be established from time to time by resolution of the City Council. If the owner or person having custody and control contests the redemption fee, he may redeem and take said animal upon payment of the charges and by signing a "notice to appear" in the Municipal Court of the Lodi Judicial District, issued by the Animal Control Officer or his assistants, setting forth the violation of this Part.

Sec. 3-21. Dogs and cats running at large - unlawful.

No person owning any dog or cat or having the care, custody or control or possession of any dog or cat shall suffer, allow or permit such dog or cat to run, be or remain at large on any public street, road, alley, park, square, or other public place, or upon any private property other than the property of the owner or custodian of such dog or cat without the consent of the owner of such property within the corporate limits of the City of Lodi, and all dogs and cats, may be deemed running at large within the meaning of this section, unless tied, restrained by chain, strap or cord attached to their collars and actually held by some person or tied or restrained in an automobile or other vehicle, or unless said dog or cat is staked or fastened or kept securely in an enclosure.

Sec. 3-22. Vicious dogs and animals running at large -
Unlawful: Misdemeanor.

It shall be unlawful for any person owning or having the possession of any dog or other animal known by such person to be vicious or dangerous to permit the same to run at large or ~~to~~ permit the same to run loose on or within the premises of such person in such a manner as ~~to~~ endanger the life or limb of any person lawfully entering such premises. A dog is hereby declared to be vicious within the meaning of this section when it shall have bitten any one or more persons or when a propensity to attack or bite human beings shall exist and is known, or ought reasonably to be known, to the owner or person in possession of such animal.

Any violation of this section shall be a misdemeanor.

Sec. 3-23. Sale of certain impounded animals.

The Animal Control Officer shall keep a register, which he shall deliver to his successor in office, in which he shall enter, in numerical order, a full description of such animals impounded, other than dogs and cats, with all natural and artificial marks and brands, with the time when, and the place where taken up. The Animal Control Officer shall retain any impounded animal listed in Section 3-19 hereof for a period of at least seventy-two (72) hours. If said animal is ~~not~~ redeemed in time herein specified, the Animal Controi Officer shall be ~~at~~ liberty to dispose of the same.

Sec. 3-24. Advertisements for sale of certain impounded Animals.

Any animal, other than dogs and cats, whose value in the opinion of the Animal Control Officer, will exceed the expense for which said animal may be liable, shall be advertised for sale. Said advertisement shall be published for not less than two days in the official newspaper, and shall contain a complete description of the animal to be sold. Advertisement shall give notice that the sale is to be at public auction to be conducted by the Animal Control Officer; shall give the location, time and date of said sale, and set forth that said animal will be sold to pay the charges that have, or will have accrued against it, together with advertising costs. The date set for the conduct of the sale shall be not less than two nor more than ten days from the date of the first publication of the advertisement. If the animal has not been redeemed prior to the sale, the Animal Control Officer shall sell the animal for cash to the highest bidder, and upon the payment of the purchase money, he shall deliver the animal, together with a bill of sale thereof, to the purchaser.

Sec. 3-25. Advertising costs to be paid by owner upon redemption.

Any owner redeeming an animal after advertisement for sale has begun, shall be required to pay the advertising costs which have accrued in addition to the fees and charges fixed by resolution of the City Council.

Sec. 3-26. Animal Control Officer's duties in re Records,
Upon redemption or sale of certain impounded
Animals.

Whenever any animal, other than a dog or a cat has been sold or redeemed, the Animal Control Officer shall enter in his register, under the same number as its description the date it was sold or redeemed, the name and address of the party buying or redeeming said animal, the total cost and expense incurred, specifying each item, and the sale price or redemption fee received. This register may be examined and copied, free of charge, at all reasonable hours,

Sec. 3-27. Sanitary Conditions.

No person shall, at any time, maintain any lot or other premises, or any portion thereof in the City, upon which any animal is kept, in an unsanitary condition. No person shall maintain any such lot or other premises, or portion thereof upon which any animal is kept, in such condition as to cause the same to be infested with flies or insects or to create any noxious or offensive odors.

Sec. 3-28. Barking or howling dogs.

No person shall keep or permit to remain in any premises within the City of Lodi any dog which continuously and incessantly barks at any time during the day or night to the disturbance of any other person.

Continuous and incessant barking is defined as frequent barking for a period of ten minutes or more duration, which disturbs the peace of another person, including howling, crying, baying or making any other noise, provided that at the time of the complaint no person or persons were trespassing or threatening to trespass upon ~~the~~ private property ~~of~~ the owner or person in custody or control of the dog, or the dog ~~was~~ not being teased or provoked in any manner.

Sec. 3-29. Dogs in food establishments - Prohibited.

No person shall allow, permit or take any dog, whether loose, on leash or in arms, into any restaurant, grocery store, meat market, fruit store, or food establishment of any kind in the City of Lodi.

Sec. 3-30. Animal Control Officer's Duties in re Impounding Dogs and Cats.

It is hereby made the duty of the Animal Control Officer and his assistants to take up and impound all dogs **and cats** found or kept in the City limits in violation of any of the provisions ~~of~~ this Chapter of the Lodi Municipal Code, including but not limited ~~to~~ the Permit, Annual Registration and Rabies Vaccination provisions.

Sec. 3-31. Minimum time of impoundment - Unregistered dogs and cats.

All unregistered dogs and cats impounded will be provided with food and water and held for a period of not less than 72 hours, unless previously redeemed. All unregistered dogs and cats not redeemed by

the owner or person having custody or control of the same within the 72-hour period may be killed or otherwise disposed of.

Sec. 3-32. Registered dogs, minimum time of impoundment.

Any dog wearing a valid City of Lodi registration issued pursuant to this Part shall be provided with food and water and shall not be sold or given away or destroyed until:

- (a) the owner has been personally notified; or
- (b) the owner has given written authorization for release; or
- (c) the owner has failed to claim his dog within five days of the date the certified letter, return receipt requested, was deposited within the U. S. Postal Service by the Animal Control Officer addressed to the owner's last known address.

Sec. 3-33. Redemption of unregistered dogs and cats.

The owner or person having had control of any unregistered dog or cat taken up and impounded by the Animal Control Officer or his assistants may redeem said dog or cat upon securing from the Animal Control Officer or his assistants application for a permit to keep a dog or a cat and by paying the annual registration, redemption fee and charges as may be established from time to time by resolution of the City Council.

If the owner or person having had control of an unregistered dog or cat taken up and impounded by the Animal Control Officer or his assistants contests the redemption fee, such person may redeem said dog *or* cat upon securing from ~~the~~ Animal Control Officer or his assistants an application for permit to keep a dog or a cat and by **paying** the annual registration fee and charges and by signing a notice to appear in the Municipal Court of the Lodi Judicial District, issued by ~~the~~ Animal Control Officer or his assistants setting forth the violations of this Part.

Sec. 3-34. Redemption of Out-of-Town dogs.

The owner or persons having had control of an out-of-town dog taken up and impounded by the Animal Control Officer or **his** assistants, may redeem said dog within 72 hours upon payment of a redemption fee and charges in an amount set and fixed by resolution of the City Council.

If the owner or person having had control ~~of~~ an out-of-town dog taken up and impounded by the Animal Control Officer or ~~his~~ **assistants** contests the redemption fee, such person may redeem said dog upon payment of the charges and by signing a notice to appear in ~~the~~ Municipal Court in the Lodi Judicial District, issued by the Animal Control Officer or his assistants setting forth the violation of this Part.

Sec. 3-35. Redemption of a registered dog or registered cat.

The owner or person having had custody or control of a dog or a cat registered pursuant to this Part, taken up and impounded by the Animal Control Officer or his assistants, may redeem said dog or cat upon the payment of a redemption fee and charges in an amount as may be fixed and set by resolution of the City Council, **If** the owner or person having had control of a dog or cat registered pursuant to this Part, taken up and impounded by the Animal Control Officer or his assistants, contests the redemption fee, such person may redeem said dog or cat upon payment of the charges and by signing a notice to appear in the Municipal Court of the Lodi Judicial District, issued by the Animal Control Officer or his assistants setting forth ~~the~~ violations of ~~this~~ Part.

Sec. 3-36. Keeping animals or **fowl** within forty feet of Dwelling.;
Fowl running at large.

It shall be unlawful for any person owning or **having** possession of any horse, cow, goat, or other animal or any chickens or other fowl to permit them to run at large or to be pastured, staked or tied for the purpose of grazing upon any street, sidewalk or other public place, or upon the property of any other person against the wishes of the owner or occupant thereof, or within forty feet of the dwelling of another, or in any manner or place to the injury or damage of the owner or occupant of other property. Every such animal or fowl, upon complaint thereof being made in writing by the person aggrieved, shall be taken by the Animal Control Officer and impounded in the public pound.

Sec. 3-37. Removal of dead animals from streets.

The Animal Control Officer shall remove and dispose of all dead dogs, cats and other animals found on any street or other public place.

Sec. 3-38. Disposal of Animals by Animal Control Officer upon Request of Owner .

The Animal Control Officer shall, upon request of any person within the city, remove and dispose of any animal or fowl owned by or in the possession of such person.

Sec. 3-39. Resisting or Obstructing Animal Control Officer.

It shall be unlawful for any person to resist or obstruct the Animal Control Officer in any way in the performance of his duties under this chapter.

Sec. 3-40. Removal of Dog Collar and Tag.

It shall be unlawful for any unauthorized person to remove from any dog or cat any collar or harness or other device to which is attached a license tag for the current year or to remove such tag therefrom.

Sec. 3-41. Interference with and mistreatment of police dogs.

NO person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department of the city in the performance of ~~the~~ functions or duties of such department, or interfere with or meddle with any such dog while being used by such department or any member thereof in the performance of any of the functions or duties of such department or of such officer or member. A violation of this Section shall constitute a misdemeanor.

Sec. 3-42. Violations of this Part/An Infraction.

Except where specifically stated, any violation of this Chapter shall be an infraction unless the defendant has been convicted of three or more violations of a particular section within ~~the~~ 12-month period immediately preceding the commission of the offense, and then, the violation of this Chapter shall constitute a misdemeanor.

Sec. 3-43. Female Dogs at Large-Unlawful.

No person shall permit: a female dog during ~~the~~ period when the dog is in heat or breeding condition, to be outside a house, garage, building, closed structure or secure enclosure except for purpose of exercising and while under strict control of the owner.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 24th day of October 1979.

Walter J. Katnich

WALTER KATNICH
MAYOR PRO TEMPORE

Attest: *Alice M. Reimche*
ALICE M. REIMCHE

CITY CLERK

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1181 was introduced at a regular meeting of the City Council of the City of Lodi held October 3, 1979 and was thereafter passed, adopted and ordered to print at an adjourned regular meeting of said Council held October 24, 1979 by the following vote:

Ayes: Councilmen - Hughes, McCarty, Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - Katzakian

I further certify that Ordinance No. 1181 was approved and signed by the **Mayor** Pro Tempore on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK